

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

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§ 381.1 General.

This part establishes terms and rates of royalty payments for certain activities using published nondramatic musical works and published pictorial, graphic and sculptural works during a period beginning on January 1, 2008, and ending on December 31, 2012. Upon compliance with 17 U.S.C. 118, and the terms and rates of this part, a public broadcasting entity may engage in the activities with respect to such works set forth in 17 U.S.C. 118(c).

§ 381.2 Definition of public broadcasting entity.

As used in this part, the term *public broadcasting entity* means a non-commercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in 17 U.S.C. 118(c).

§ 381.3 [Reserved]

§ 381.4 Performance of musical compositions by PBS, NPR and other public broadcasting entities engaged in the activities set forth in 17 U.S.C. 118(c).

The following schedule of rates and terms shall apply to the performance by PBS, NPR and other public broadcasting entities engaged in activities set forth in 17 U.S.C. 118(c) of copyrighted published nondramatic musical compositions, except for public broadcasting entities covered by §§ 381.5 and 381.6, and except for compositions which are the subject of voluntary license agreements.

(a) Determination of royalty rate.	
(1) For performance of such work in a feature presentation of PBS:	
2008–2012	\$227.58
(2) For performance of such a work as background or theme music in a PBS program:	
2008–2012	\$57.66
(3) For performance of such a work in a feature presentation of a station of PBS:	
2008–2012	\$19.45
(4) For performance of such a work as background or theme music in a program of a station of PBS:	
2008–2012	\$4.10
(5) For the performance of such a work in a feature presentation of NPR:	
2008–2012	\$23.07
(6) For the performance of such a work as background or theme music in an NPR program:	
2008–2012	\$5.59
(7) For the performance of such a work in a feature presentation of a station of NPR:	
2008–2012	\$1.63
(8) For the performance of such a work as background or theme music in a program of a station of NPR:	
2008–2012	\$.58